

ELECTION INFORMATION – NOVEMBER 2014

1. ELIGIBILITY

In order to be eligible to hold office as a Member of the Council, an individual must be a registered voter at his/her current residence address within the corporate Town limits of Los Gatos at the time nomination papers are issued for his or her candidacy.

2. OFFICES TO BE FILLED

Town Councilmember (3), 4-year terms.

3. NOMINATION PERIOD - Section 10220 Elections Code

Monday, July 14, 2014 starting at 8:00 a.m. begins the time that Nomination Papers will be issued by the Town Clerk Administrator to candidates at Los Gatos Town Hall, 110 E. Main Street in Los Gatos.

Friday, August 8, 2014 at 5:00 p.m. is the final date and time for filing Nomination Papers with the Clerk Administrator.

4. EXTENSION IF INCUMBENT DOES NOT FILE - Section 10225 Elections Code

If Nomination Papers for an incumbent councilmember of the Town are not filed by 5:00 p.m. on Friday, August 8, 2014, the Nomination Period will then be extended until Wednesday, August 13, 2014, at 5:00 p.m. for any individual except an incumbent.

NOTE: Los Gatos Town Hall is open from 8:00 a.m. to 5:00 p.m., Monday through Friday. The Clerk Administrator encourages candidates to call in advance for an appointment, (408) 354-6888.

5. OFFICIAL NOMINATION PAPER - Section 10226 Elections Code

The first step in completing your petition is to decide if you will personally be the circulator or if someone will circulate the form on your behalf. Whoever circulates the petition must personally witness each individual voter's signature. If you ask someone else to circulate the petition for you, he or she must be a registered voter or eligible to be a voter in the Town of Los Gatos and must complete the "Affidavit of Circulator" on the third page of the nomination paper.

The second step is to obtain the voter signatures. You will notice that the petition has 30 spaces for signatures. Although only 20 signatures are required, it is advisable to obtain 30. This will give you 10 extra signatures if some of the first 20 signatures do not qualify. Signatures qualify if they are from registered voters of the Town of Los Gatos. A voter may sign one petition for each office on the ballot. Name, signature and the residence address must match exactly the

information on the voter's affidavit of registration on file with Santa Clara County Registrar of Voters.

6. AFFIDAVIT OF NOMINEE AND CANDIDATE'S OATH OF ALLEGIANCE - Section 200 Elections Code and State Constitution Article XX, Section 3

On the Nomination Paper, all sections must be completed and include:

- (1) Affidavit of Nominee: This section is a declaration stating that the candidate will accept the nomination and the office in the event of his/her election. In addition, the candidate must write his/her ballot designation.
- (2) Candidate's Oath of Allegiance: This portion must be completed in the presence of the Clerk Administrator or Deputy City Clerk at the time the candidate files the Nomination Papers.

7. FILING OF NOMINATION PAPERS - Sections 10224 and 10225 Elections Code

Once you have obtained all your signatures, you must file the Nomination Paper with the Clerk Administrator. Please note that the Nomination Paper and Candidate Statement must be filed at the same time. Friday, August 8, 2014, is the last date a candidate may withdraw his or her nomination paper after it has been filed.

Filing: All Nomination Papers shall be filed with the Clerk Administrator at Town Hall during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Friday, but not later than 5:00 p.m. on Friday, August 8, 2014. If an eligible incumbent does not file, the close of the nomination period shall be extended five days to 5:00 p.m. on Wednesday, August 13, 2014 for non-incumbents.

8. BALLOT DESIGNATIONS - Section 13107 Elections Code

A Ballot Designation Worksheet is provided and must be completed and submitted by each candidate. Immediately under the name of each candidate, and not separated from the name by any line, may appear, at the option of the candidate, only one of the following designations:

- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing of the Nomination Papers to which he/she was elected by vote of the people.
- (2) The word "incumbent" if the candidate is a candidate for the same office which he/she holds at the time of filing the Nomination Papers and was elected to that office by a vote of the people.
- (3) No more than three words designating the current principal professions, vocations, or occupations of the candidate.
- (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment

No elections official shall accept a designation which:

- (1) Would mislead the voters.
- (2) Would suggest an evaluation of a candidate such as outstanding, leading, expert, virtuous, or eminent.
- (3) Abbreviates the word “retired” or places it following any word or words which it modifies.
- (4) Uses the word or prefix such as “former” or “ex-,” which means a prior status. The only exception is the use of the word “retired.”
- (5) Uses the name of any political party, whether or not it has qualified for the ballot.
- (6) Uses a word or words referring to a racial, religious, or ethnic group.
- (7) Refers to any activity prohibited by law.

If, upon checking the Nomination Paper, the elections official finds the ballot designation to be in violation of any of the restrictions listed above, the elections official shall notify the candidate by registered mail, return receipt requested. The candidate shall, within three days from the date of receipt of the notice, appear before the elections official and provide a designation that complies with law. In the event the candidate fails to provide a new designation that complies, then no designation shall appear after the candidate’s name.

No designation given by a candidate shall be changed by the candidate after the final date for filing Nomination Papers, except as specifically requested by the elections official under specified circumstances.

9. Staff Briefings

As in prior years with contested elections, the Town Manager will be scheduling in early September a briefing on Town operations and issues for all candidates who choose to attend.

10. POLITICAL REFORM ACT and the FAIR POLITICAL PRACTICES COMMISSION (FPPC) www.fppc.ca.gov or hotline (limited hours) 1-866-275-3772

The Fair Political Practices Commission (FPPC) mandates the filing requirements statewide for election candidates. Detailed information, including forms and instructions, is found online.

A. Statement of Economic Interests (Form 700)

When you file your Nomination Papers, you must submit a Statement of Economic Interests (Form 700 Candidate Statement) by the close of the nomination period. Form 700 is available at www.fppc.ca.gov or from the Clerk Administrator. The purpose of Form 700 is to reveal any possible conflict of interest a candidate may have, regarding financial matters within the Town of Los Gatos only. All 700 forms for any town office are filed with the Clerk Administrator and are forwarded to the Fair Political Practices Commission in accordance with the Political Reform Act of 1974. These forms are public documents.

B. Candidate Intention Statement (Form 501)

All candidates for public office must file Form 501. State and local candidates and officeholders who intend to raise or spend campaign funds must file Form 501 (Candidate Intention) before soliciting or receiving any contributions. **Form 501 must be submitted to the Clerk Administrator** prior to or at time of issuance of the Nomination Paper (not filed with the FPPC). Refer to the FPPC forms online for instructions on completing this form properly. These forms are public documents.

C. Statement of Organization (Form 410)

Form 410 must be filed by all candidates who have, or “recipient committees” that have, received \$1,000 or more in contributions (including from the candidate’s personal funds) or expenditures in that amount. Upon forming your committee, you and your treasurer complete the Form 410 which must include campaign bank account information, candidate name and year of election, and must be filed within 10 days of receiving \$1,000 or more in contributions. The Secretary of State will issue an identification number to the committee, which is then included on all campaign disclosure reports. If any of the information on a Statement of Organization changes, your committee must file an Amendment to the Statement within 10 days of the change. If a committee amends its Statement of Organization, to identify a new treasurer or new bank account for example, it need only provide that information on a new Form 410 sent to the Secretary of State, including its name and previously issued identification number in the appropriate box on the front page, with the box “Amendment” checked on the top of the Form 410. There is an annual fee of \$50 payable to Secretary of State to open and maintain a campaign committee. These forms are public documents.

D. Pre-Election Campaign Statements (Form 460)

ALL CAMPAIGN DISCLOSURE STATEMENTS ARE FILED WITH THE CLERK ADMINISTRATOR. The Fair Political Practices Commission requires all candidates to file campaign statements (FPPC Form 470 or 460) prior to election. The first statement is due on Monday, October 6, 2014, and covers the period of the start of the committee or July 1 if an existing committee through September 30. The second pre-election statement is due Thursday, October 23, 2014, and covers the period of October 1 to October 18, 2014. Required forms are available online at the FPPC site.

Form 470 Candidate Campaign Statement – Short Form may be filed with a declaration of candidacy, but must be filed no later than October 6, 2014. This form is filed only once, prior to election. Subsequently, no additional campaign statements need to be filed for the remainder of the year as long as total receipts and total expenditures remain less than \$1,000.

Form 460 Recipient Committee Campaign Statement must be submitted by all candidates who have formed a campaign committee, upon receiving or spending more than \$1,000. Due dates noted above. All Campaign reporting statements must be filed in the Clerk Administrator’s

Office no later than 5:00 p.m. on the due date. By state law, the Clerk Administrator is authorized to impose penalties on late filings. These forms are public documents.

E. 497 24-Hour Contribution Report

Within the 90 days prior to an election, contributions of more than \$1,000 which includes contributions or loans from a candidate to his/her campaign committee must be reported on Form 497 within 24 hours. Form 497 must be submitted by fax, guaranteed overnight delivery service, or personal delivery. Regular postal mail may not be used. The Report must be filed within 24 hours of the time the contribution was made. Form 497 must be filed with the Clerk Administrator at Los Gatos Town Hall. These forms are public documents.

F. Future Filings

Future filings will depend on a candidate's success in this election and whether you retain your committee status. The Clerk Administrator will notify you of future filing dates. Semi-annual campaign committee reports are required in California each year. These forms are public documents.